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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,292	02/26/2002	Nicolai Tarasinski	09006-US	7110

7590

12/02/2003

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/084,292	TARASINSKI, NICOLAI	
	Examiner	Art Unit	
	Christopher Bottorff	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

Claims 1-10 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabelstrom et al. US 5,906,480 in view of Hicks et al. US 5,179,981.

Sabelstrom et al. teaches a vehicle comprising an internal combustion engine 1 and a turbocharger. See the Figure. The turbocharger includes an exhaust turbine 4 in an exhaust train 3 from the engine and a charge air compressor 5 driven by the exhaust turbine 4, which serves as a source of compressed air. See column 1, lines 32-34; column 2, lines 47-58 and 66-67; and column 3, lines 1-8. A charge air channel 2 is disposed between the compressor and the engine, and a secondary compression device B further increases the pressure of the compressed air generated by the turbocharger. The compressed air from the turbocharger is delivered to storage tank I and is then distributed to points of consumption H. See column 3, lines 8-11.

Sabelstrom et al. does not disclose that a point of consumption is a tire pressure adjusting device. However, Hicks et al. teaches that a tire pressure adjusting device 10 is a common point of consumption for compressed air generated by a vehicle air

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compression system. See Figure 1. The tire pressure adjusting device of Hicks et al. includes pneumatic tires 16, 18 and a fluid connection 20 between the tires and the source of compressed air 72, 74. See column 4, lines 1-14, and column 5, lines 12-19. A valve 70 in the fluid connection, when open, allows communication between the source of compressed fluid and the tires. Also, distribution lines 24, 26 are provided from the valve to each tire and individual tire valves 32, 34 are provided in each distribution line. See column 4, lines 15-22.

From the teachings of Hicks et al., providing a tire pressure adjusting device as a point of consumption for the compressed air of Sabelstrom et al. would have been obvious to one of ordinary skill in the art at the time the invention was made. This would allow an operator to control tire pressure of the vehicle and would provide a valuable use for the compressed air. Moreover, this combination would establish the fluid connection between the tires and source of compressed air as a fluid connection between the charge air channel and the tires.

In regard to claims 8 and 9, the examiner takes official notice that the practice of providing a temperature sensor in an exhaust gas train from an engine before an exhaust gas turbine of a turbocharger and the practice of providing a pressure sensor that can detect the pressure in a charge air channel were old and well known in the art at the time the invention was made. Providing temperature and pressure sensors, as claimed, would have been obvious to one of ordinary skill in the art at the time the invention was made in order to monitor system parameters to better control system operation.

***Allowable Subject Matter***

Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed October 6, 2003 have been fully considered. They are persuasive with regard to claim 3 but they are not persuasive with regard to claims 1, 2, and 8-10.

Applicant asserts that the present invention distinguishes over the apparatus produced by the combination of Sabelstrom et al. and Hicks et al. because the present invention utilizes the turbo compressor alone to directly provide compressed air, while the system of Sabelstrom et al. utilizes additional compressors 8 and B. However, this is irrelevant since the claimed invention does not exclude the presence of additional compressors or establish that the turbo compressor alone directly provides the compressed air. Furthermore, the presence of backup compressor 42 in the present invention indicates that the turbo compressor alone does not always provide the compressed air. Thus, the claimed invention fails to distinguish over the prior art.

**Conclusion**

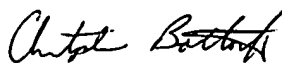
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher Bottorff



BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
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12/1/03